

Ordinance No. 99674

AN ORDINANCE amending Section 6 of Ordinance 90047, as amended, and adding an additional section thereto designated Section 49(a), to allow permits for use and occupation of sidewalk area for sidewalk cafe and restaurant purposes.

2-9-71- pass

COMPTROLLER 268578
FILE NUMBER 268448

Council Bill No. 91267

INTRODUCED: FEB 8 1971	BY: Streets & Sewers
REFERRED: FEB 8 1971	TO: Streets & Sewers
REFERRED:	
REFERRED:	
REPORTED: FEB 16 1971	SECOND READING: FEB 16 1971
THIRD READING: FEB 16 1971	SIGNED: FEB 16 1971
PRESENTED TO MAYOR: FEB 17 1971	APPROVED: FEB 19 1971
RETD. TO CITY CLERK: FEB 19 1971	PUBLISHED: FEB 20 1971
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

ORDINANCE 99674

AN ORDINANCE amending Section 6 of Ordinance 90047, as amended, and adding an additional section thereto, designated Section 49(a) to allow permits for use and occupation of sidewalk area for sidewalk cafe and restaurant purposes.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 6 of Ordinance 90047 (Street Use Ordinance), as amended by 98197, be further amended to read as follows:

Section 6. Definitions. The words and phrases herein used, except where the same shall be clearly contrary to or inconsistent with the context of the ordinance or the section in which used, shall be construed as follows:

ADJACENT PROPERTY means and includes the property abutting the margin of a public place contiguous and with reference to said public place.

AREAWAY means and includes a sunken space, either covered or uncovered, or a court affording room, access or light to a building.

AWNING means a protective covering attached to a building, the upper surface of which has a pitch of at least thirty degrees from the horizontal.

BANNER means and includes any pliable material stretched over or across any public place.

BUSINESS PROPERTY means and includes all properties not included in "Residence Property" defined herein.

CANOPY means a nonrigid, collapsible, nonretractable, protective covering, located at an entrance to a building.

CITY ENGINEER means the City Engineer and his authorized representatives.

DRIVEWAY means and includes that portion of a public place which provides access to an off-street vehicular facility through

a depression in the constructed curb or, when there is no constructed curb, that area in front of such vehicular facility as is well defined or as is designated by authorized signs or markings.

IMPROVED PUBLIC PLACE means any public place, as defined herein, which contains overhead or underground utilities or a driving or walking surface.

MARQUEE means an approximately horizontal rigid nonretractable, noncollapsible structure, projecting from and supported by a building.

MARQUEE SIGN means a sign placed on, constructed in, or attached to a marquee.

PUBLIC PLACE means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting (parking) strips, squares, triangles and right of way open to the use of the public, and the space above or beneath the surface of the same.

RESIDENCE PROPERTY means and includes any property designated in the "Zoning Ordinance of Seattle" as: RS, RW, RD, RM and RMH, except when occupied or being improved by a conditional or nonconforming use.

SIDEWALK CAFE means a portion of sidewalk area in which are placed tables and chairs for the use of the public while consuming food and/or beverages, including alcoholic beverages, served by a cafe or restaurant located on adjoining property.

SIGN means any medium, including its structure and component parts, which is used or intended to be used out of doors to attract attention to the subject matter for advertising purposes, other than paint on the surface of a building.

USE means and includes to construct, store, erect or maintain in, upon, over or under any public place any areaway, marquee, awning, clock, sign, billboard, sidewalk, elevator or door, fuel opening, sidewalk cafe or restaurant, staging, swinging scaffold, elevator or other structure or material, machinery or tools used

or to be used in connection with the erection, alteration, repair or painting of any building; or to move any building along or across any public place; or to use or occupy any public place for the storage or placement of any material, equipment or thing; or to operate any cleated or tracked vehicle in any public place; or to allow any vehicle to be in or upon any public place other than that portion used as a roadway; or to remove, injure or destroy any tree, flower, plant or shrub in any public place; or to deposit or permit the deposit of any liquids which cause a noxious effluvia upon a public place; or to kindle, make or have any fire on any public place; or to open, excavate, or in any manner disturb or break the surface or foundation of any permanent pavement, or to alter the established grade of any street, or to disturb the surface of, dig up, cut, excavate or fill in any public place; or construct, reconstruct, maintain or remove any sidewalk, or crosswalk, pavement, sewers, watermains, grading, street lighting, or appurtenances thereto, except when permitted by ordinance or to do any work in, or erect any structure under, along or over any public place.

Words in the present tense shall include the future tense, words in the masculine gender shall include the feminine and neuter genders, and words in the singular shall include the plural and plural words shall include the singular.

Section 2. That Ordinance 90047 be amended by adding thereto a new section to be designated Section 49(a) and to read as follows:

Section 49(a). PERMIT REQUIRED FOR SIDEWALK CAFE: It shall be unlawful to operate a sidewalk cafe without a written permit to do so from the Board of Public Works as hereinafter provided.

(b) APPLICATION: In addition to the information required by Section 8 of Ordinance 90047 an application for a sidewalk cafe permit shall state the anticipated periods of use during the year,

and the proposed hours of daily use, including Saturdays, Sundays, and holidays; and whether any liquor, as defined in RCW 66.04.010(6), will be sold or consumed in the area to be covered by the permit.

(c) NOTICE: The applicant shall mail or serve a notice stating the nature of the application, the sidewalk area sought to be used, and the date, time and place at which the Board of Public Works will consider such application at least ten days prior thereto, upon the owners, building managers and street level tenants of the properties that abut on the street segment that contains the sidewalk area sought to be used and that lie within the nearest intersections or depend upon such street segment for access, and shall file with the City Engineer a copy of the notice mailed and a list of the persons to whom it was sent. The City Engineer shall prepare and post notices containing the aforesaid information upon any utility poles or other prominent place in the immediate vicinity and at the nearest intersection, and shall deliver to the applicant a public notice, which shall be posted in a window or on the building exterior of the adjacent property.

(d) TERMS AND CONDITIONS: In the event and to the extent that the Board of Public Works determines that:

1. The applicant is the owner or occupant of the adjacent property and operates a cafe or restaurant thereon;
2. The proposed sidewalk cafe use would not unduly and unreasonably impair passage to and fro by the public on the sidewalk for which the permit is sought; and
3. The proposed sidewalk cafe area is included within a food-service establishment permit issued pursuant to Seattle City Code Chapter 13.20, or the Seattle-King County Director of Public Health, or his representative, has otherwise authorized such use of the area,

a permit for use of sidewalk area for sidewalk cafe purposes may be issued upon such terms and conditions as said Board may deem appropriate including, but not be limited to: restrictions as to the number and placement of tables and chairs and as to the hours and dates of use; a requirement that the area be cleared when not in use as a sidewalk cafe, or upon the order of the City Engineer or other appropriate City officer such as the Chief of Police or Fire Chief or their authorized representatives, and that the permittee shall maintain the sidewalk in a clean and safe condition for pedestrian travel; a requirement that the applicant clear the sidewalk as may be necessary to accommodate deliveries to adjacent or other nearby properties; regulations upon lighting and illumination of the sidewalk cafe; and a surety bond in accordance with the provisions of this ordinance; provided that unless expressly authorized by the City no pavement shall be broken, no sidewalk surface disturbed, and that no fixture of any kind shall be installed in or on sidewalk area in connection with a sidewalk cafe.

(e) LIQUOR: Liquor, as defined in RCW 66.04.010(16), as now existing or hereinafter amended, may be used and sold at a sidewalk cafe when authorized in both the use permit provided for herein and by permit of the Washington State Liquor Control Board, and not otherwise.

(f) INSURANCE: An applicant for a permit for a sidewalk cafe shall, prior to issuance of such a permit, provide and maintain in full force and effect while the permit is in effect, public liability insurance in an amount specified by the Board of Public Works sufficient to cover potential claims for bodily injury, death, or disability and for property damage, which may arise from or be related to the use of sidewalk area for sidewalk cafe purposes, naming The City of Seattle as an additional insured.

(g) INDEMNITY: The applicant for a sidewalk cafe permit

shall execute and deliver to the City upon a form supplied by the City Engineer an agreement in writing and acknowledged by the applicant, forever to hold and save the City free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of or related to the operation of such sidewalk cafe. In addition such agreement shall contain a provision that the permit is wholly of a temporary nature, that it vests no permanent right whatsoever, that upon thirty days' notice, posted on the premises, or by publication in the official newspaper of the City of Seattle, or without such notice, in case the permitted use shall become dangerous or unsafe, or shall not be operated in accordance with the provisions of this ordinance, the same may be revoked and the sidewalk cafe furniture ordered removed. Every such agreement, after it has been received in his office and numbered, and after the same has been recorded, shall be retained by said City Comptroller and City Clerk in the files and records of his office.

(h) COMPLIANCE-SIDEWALK CONDITION: The applicant shall comply with the terms and conditions of the sidewalk cafe permit issued, and shall maintain the sidewalk in a clean and safe condition for pedestrian travel, and shall immediately clear the sidewalk area when ordered to do so by the City Engineer or other appropriate City officer such as the Chief of Police or Fire Chief or their authorized representatives.

(To be used for all Ordinances except Emergency.)

Section ³..... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 16 day of February, 1971,
and signed by me in open session in authentication of its passage this 16 day of
February, 1971. Charles M. Carroll

President..... of the City Council.

Approved by me this 19 day of February, 1971.

Wm. Uhlen
Mayor.

Filed by me this 19 day of February, 1971.

C. H. G. Anderson
Attest: City Comptroller and City Clerk.

(SEAL)

FEB 20 1971

Published.....

By J. F. Fenton
Deputy Clerk.

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

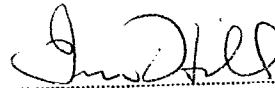
FEB 16 1971

Your Committee on STREETS AND SEWERS
to which was referred Council Bill No. 91267

an ordinance amending Section 6 of Ordinance 90047, as amended,
and adding an additional section thereto designated Section 49(a),
to allow permits for use and occupation of sidewalk area for
sidewalk cafe and restaurant purposes,

RECOMMENDS THAT THE SAME DO PASS.

Chairman


S & S
Chairman

Committee

Committee

CWL:rd 2/9/71 CF#268578 & CF#268448

THE CITY OF SEATTLE



BOARD OF PUBLIC WORKS

E. G. HENRY, SECRETARY

303 Seattle Municipal Building • Seattle, Washington 98104 • 583-2040

WEB UHLMAN, MAYOR

BOARD OF PUBLIC WORKS

ROY W. MORSE, CITY ENGINEER, CHAIRMAN
JOHN M. NELSON, SUPT. OF LIGHTING
KENNETH M. LOTHIAN, SUPT. OF WATER
DEPT. OF PUBLIC WORKS, SUPT. OF
BUILDING " Alfred Petty
HANS A. THOMPSON, SUPT. OF PARKS
AND RECREATION

Re: C. F. No. 268578 and 268448

January 27, 1971

The Honorable Alfred L. Newbould
Corporation Counsel
City of Seattle

Dear Mr. Newbould:

The Board of Public Works had before it, in regular session today, your communication of January 22 requesting that the Board review the proposed ordinance for sidewalk cafes, and attaching C. F. Nos. 268578 and 268448, the request of the Mayor for such legislation and the petition of Allied Arts for legislation therefor, respectively.

After considerable discussion, the Board concurred in the recommendation that the proposed ordinance authorizing the Board of Public Works to grant permission for sidewalk cafes be approved as submitted.

In accordance therewith, the above-mentioned Comptroller's Files are herewith returned to you.

Yours very truly,

BOARD OF PUBLIC WORKS

Betty L. McFarlane

Betty L. McFarlane
Acting Secretary

BLM
att.

cc: Mayor Wes Uhlman
Lee T. Pasquarella
Tim Hill, City Councilman
Allied Arts
Engineering Dept. - Street Use Division
Jorgen G. Bader

ORDINANCE NO. 99674

AN ORDINANCE amending Section 6 of Ordinance 9047, as amended, and adding an additional section thereto, designated Section 49(a) to allow permits for use and occupation of sidewalk area for sidewalk cafe and restaurant purposes.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 6 of Ordinance 9047 (Street Use Ordinance), as amended by 98197, be further amended to read as follows:

Section 6. DEFINITIONS. The words and phrases herein used, except where the same shall be clearly contrary to or inconsistent with the context of the ordinance or the section in which used, shall be construed as follows:

ADJACENT PROPERTY means and includes the property abutting the margin of a public place contiguous and with reference to said public place.

AREAWAY means and includes a sunken space, either covered or uncovered, or a court, affording room, access or light to a building.

AWNING means a protective covering attached to a building, the upper surface of which has a pitch of at least five degrees from the horizontal.

BANNER means and includes any pliable material stretched over or across any public place.

BUSINESS PROPERTY means and includes all properties not included in "Residence Property" defined herein.

CANOPY means a nonrigid, collapsible, retractable, protective covering, located at an entrance to a building.

CITY ENGINEER means the City Engineer and his authorized representative.

DRIVEWAY means and includes that portion of a public place which provides access to an off-street vehicular facility through a depression in the constructed curb, when there is no constructed curb, that area in front of such vehicular facility is well defined or as is designated by authorized signs or markings.

IMPROVED PUBLIC PLACE means any public place, as defined herein, which contains overhead or underground utilities or a driving or walking surface.

MARQUEE means an approximately horizontal rigid, un retractable, noncollapsible structure, projecting from and supported by a building.

MARQUEE SIGN means a sign placed, constructed in, or attached to a marquee.

PUBLIC PLACE means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and plantings (curbs), rights, easements, triangles and right of way open to the use of the public and the space above or beneath the surface of the same.

RESIDENCE PROPERTY means and includes any property designated in the "Zoning Ordinance of Seattle as: RS, RW, RD, RM and RMP, except when occupied or being improved by a conditional or nonconforming use.

SIDEWALK CAFE means a portion of a sidewalk area in which are placed tables and chairs for the use of the public while consuming food and/or beverages, including alcoholic beverages, served by a cafe or restaurant located on adjoining property.

SIGN means any medium, including its structure and component parts, which is used or intended to be used out of doors to attract attention to the subject matter for advertising purposes, other than paint on the surface of a building.

USE means and includes to construct, store, erect or maintain in, upon, over or under any public place any awning, marquee, awning, clock, sign, billboard, sidewalk, elevator or door, fuel opening, sidewalk cafe or restaurant, staging, swinging scaffold, elevator or other structure or material, machinery or tools used or to be used in connection with the erection, alteration, repair or painting of any building; or to move any building along or across any public place; or to use or occupy any public place for the storage or placement of any material, equipment or thing; or to operate any cleared or trucked vehicle in any public place; or to allow any vehicle to be in or upon any public place other than that portion used as a roadway; or to remove, injure or destroy any tree, flower, plant or shrub in any public place; or to deposit, or permit the deposit of, any liquids which cause a noxious effluvia upon a public place; or to demolish, make or have any fire in any public place; or to open, excavate, or in any manner disturb or break the surface or foundation of any permanent pavement; or to alter the established grade, surface, street, or to excavate or fill in any public place or construct, reconstruct, maintain or remove any sidewalk, or crosswalk, pavement, sewer, watermain, grading, street lighting, or appurtenances there to, except when permitted by ordinance or to do any work in or erect any structure under, along or over any public place.

Words in the present tense shall include the past tense, words in the masculine gender shall include the feminine and neuter genders, and words in the singular shall include the plural and plural words shall include the singular.

2. The proposed sidewalk cafe use would not unduly and unreasonably impair passage to and fro by the public on the sidewalk for which the permit is sought; and

3. The proposed sidewalk cafe area is included within a food-service establishment permit issued pursuant to Seattle City Code Chapter 12.0, or the Seattle-King County Director of Public Health, or his representative, has otherwise authorized such use of the area; a permit for use of sidewalk area for sidewalk cafe purposes may be issued upon such terms and conditions as said Board may deem appropriate (including, but not limited to, restrictions as to the number and placement of tables and chairs and as to the hours and dates of use); a requirement that the area be cleared of a sidewalk cafe, or upon the order of the City Engineer or other authorized City officer such as the Chief of Police or Fire Chief, and that the permittee shall maintain the sidewalk in a clean and safe condition for pedestrian travel; and that the applicant clear the sidewalk as may be necessary to accommodate deliveries to adjacent or other nearby properties; regulations upon lighting and illumination of the sidewalk cafe; and a surety bond in accordance with the provisions of this ordinance; provided that unless expressly authorized by the City no person shall be broken, or sidewalk surface, or sidewalk area, or fixture of any kind shall be installed in or on sidewalk area in connection with a sidewalk cafe.

(c) **LIQUOR** means, as defined in RCW 66.01.010(1), as now existing or hereinafter amended, may be used and sold at a sidewalk cafe when authorized in both the use permit provided for herein and by permit of the Washington State Liquor Control Board, and not otherwise.

(f) **INSURANCE** means an applicant for a permit for a sidewalk cafe shall, prior to issuance of such permit, obtain and maintain full force and effect while the permit is in effect, public liability insurance in an amount specified by the Board of Public Works sufficient to cover potential claims for bodily injury, death, or disability and for property damage, which may arise from or be related to the use of sidewalk cafe (as defined in this ordinance) existing. The City of Seattle as an additional insured.

(g) **INDemnITY** means the applicant for a sidewalk cafe permit shall execute and deliver to the City a form supplied by the City Engineer as an agreement in writing and acknowledged by the applicant forever to hold and save the City free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of or related to the operation of such sidewalk cafe. In addition such agreement shall contain a provision that the permit is wholly of a temporary nature, that it vests no permanent right, whatsoever, that upon thirty days' notice, posted on the premises, or by publication in the official newspaper of the City of Seattle, or without such notice, in case the permitted use shall become dangerous or unsafe, or shall not be operated in accordance with the provisions of this ordinance, the same may be revoked and the sidewalk cafe furniture ordered removed. Every such agreement, after it has been received in his office and numbered, and after the same has been recorded, shall be retained by said City Controller and by said City Clerk in the files and records of his office.

(h) **COMPLIANCE-SIDEWALK CAFE CONDITION** means the applicant shall comply with the terms and conditions of the sidewalk cafe permit issued, and shall maintain the sidewalk in a clean and safe condition for pedestrian travel, and shall immediately clear the sidewalk area when ordered to do so by the City Engineer or other appropriate City officer such as the Chief of Police or Fire Chief or their authorized representatives.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council this 16th day of February, 1971, and signed by me in open session in ratification of its passage this 16th day of February, 1971.

CHARLES M. CARROLLA, President of the City Council.

Approved by me this 16th day of February, 1971.

WES UHLMAN, Mayor.

Filed by me this 16th day of February, 1971.

Attest: C. G. ERLANDSON, City Controller and City Clerk.

(Seal) By J. F. FENTON, Deputy Clerk.

Publication ordered by C. G. ERLANDSON, Controller and City Clerk.

Date of Official Publication in the Daily Journal of Commerce, Seattle, February 20, 1971 (G-254)

vit of Publication

OF WASHINGTON,
ING COUNTY--SS.

undersigned on oath states that he is active of The Daily Journal of Commerce, which newspaper is a legal newspaper and it is now and has been for more to the date of publication hereinafter in the English language continuously in Seattle, King County, Washington, during all of said time was printed in the aforesaid place of publication of Daily Journal of Commerce was on the 11, approved as a legal newspaper by King County.

exact form annexed, was published in Daily Journal of Commerce, which was to its subscribers during the below

notice, a

ANCE NO 99674

Feb 20, 1971

W. J. Brown

Subscribed and sworn to before me on

W. J. Brown
Notary Public for the State of Washington,
residing in Seattle.

shall not be necessary for a notary public to certify the source in this state to append an inspection of his

overhead or a drying or walking surface.

MARQUEE means an approximately horizontal rigid non-tractable, noncollapsible structure projecting from and supported by a building.

MARQUEE SIGN means a sign placed on, constructed in, or attached to a marquee.

PUBLIC PLACE means and includes streets, avenues, highways, drives, places, alleys, sidewalks, and public places (including squares, triangles) and right of way open to the use of the public, and the space above or beneath the surface of the same.

RESIDENCE PROPERTY means and includes any property designated in the zoning ordinance of Seattle, except when occupied or being improved by conditional or nonconforming use.

SAFETY AREA means a portion of sidewalk area in which are placed tables and chairs for the use of the public while consuming food and/or beverages, including alcoholic beverages, served by a cafe or restaurant located on adjoining property.

SIGN means any medium, including its structure and component parts, which is used or intended to be used out of doors to attract attention to the subject matter for advertising purposes, other than paint on the surface of a building.

USE means and includes to construct, store, erect or maintain in, upon, over or under any public place any way, machine, awning, clock, sign, billboard, elevator or door, fuel opening, sidewalk cafe or restaurant, staging, swinging scaffold, elevator or other structure or material, machinery or tools used or to be used in connection with the erection, alteration, repair or painting of any building; or to locate any building along or across any public place; or to use or occupy any public place for the storage or placement of any material, equipment or thing; or to operate any electric or tracked vehicle in any public place; or to allow any vehicle to be in or upon any public place other than that portion used as a roadway; or to remove, injure or destroy any tree, flower, plant or shrub in any public place; or to deposit or permit the deposit of any liquid which causes a noxious effluvia upon a public place; or to kindle, make or have any fire on any public place; or to open, excavate or in any manner disturb or break the surface or foundation of any permanent pavement, or to alter the established grade of any street, or to disturb the surface of, dig up, cut, excavate or in any public place; or construct, reconstruct, maintain or remove any sidewalk, or crosswalk, pavement, sewers, watermain, grading, street lighting, or appurtenances there to, except when permitted by ordinance or to do any work in, or erect any structure under, along or over any public place.

Words in the present tense shall include the future tense; words in the masculine gender shall include the feminine and neuter genders; and words in the singular shall include the plural and plural words shall include the singular.

Section 2. That Ordinance 19071 be amended by adding thereto a new section to be designated Section 49(a) and to read as follows:

Section 49(a). PERMIT REQUIRED FOR SIDEWALK CAFE: It shall be unlawful to operate a sidewalk cafe without a written permit to do so from the Board of Public Works as hereinafter provided.

(b) **APPLICATION:** in addition to the information required by Section 2 of Ordinance 19071 an application for a sidewalk cafe permit shall state the anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays, and holidays; and whether any liquor as defined in RCW 66.04.01(6), will be sold or consumed in the area to be covered by the permit.

(c) **NOTICE:** The applicant shall mail or serve a notice stating the nature of the application, the sidewalk area sought to be used, and the date, time and place at which the Board of Public Works will consider such application at least ten days prior thereto, upon the owners, building managers and street level tenants of the properties that abut on the street segment that contains the sidewalk area sought to be used and that lie within the nearest intersections or depend upon such street segment for access, and shall file with the City Engineer a copy of the notice mailed and a list of the persons to whom it was sent. The City Engineer shall prepare and post notices containing the necessary information upon any utility poles or other prominent places in the immediate vicinity and at the nearest intersection, and shall deliver to the applicant a public notice which shall be posted in a window or on the building exterior of the adjacent property.

(d) **TERMS AND CONDITIONS:** In the event and to the extent that the Board of Public Works determines that:

1. The applicant is the owner or occupant of the adjacent property and operates a cafe, or restaurant thereon;

purpose, naming the City of Seattle as an additional insured.

(e) **INDEMNITY:** The applicant shall execute and deliver to the City upon a form supplied by the City Engineer an agreement in writing and acknowledged by the applicant, forever to hold and save the City free of claims, actions or damages of every kind and description which may accrue to, or be suffered by, the City by reason of or related to the operation of such sidewalk cafe. In addition, such agreement shall contain a provision that the permit is wholly of a temporary nature, that it vests no permanent right whatsoever, that upon thirty days' notice, posted on the premises, or by publication in the official newspaper of the City of Seattle, or without such notice, in case the sidewalk cafe shall become dangerous or unsafe, it shall be operated in accordance with the provisions of this ordinance, the same may be revoked and the sidewalk cafe structure removed. Every such agreement, after it has been received in his office and numbered, and after the same has been recorded, shall be retained by said City Comptroller and City Clerk in the files and records of his office.

(f) **COMPLIANCE SIDEWALK CONDITION:** The applicant shall comply with the terms and conditions of the sidewalk cafe permit issued, and shall maintain the sidewalk in a clean and safe condition for pedestrian travel, and shall immediately clear the sidewalk area when ordered to do so by the City Engineer or other appropriate City officer such as the Chief of Police or Fire Chief or their authorized representatives.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 16th day of February, 1971, and signed by me in open session in authentication of its passage this 16th day of February, 1971.

CHARLES M. CARROLL,
President of the City Council.

Approved by me this 15th day of February, 1971.

WES CHILMAN,
Mayor.

Filed by me this 19th day of February, 1971.

Attest: C. G. ERLANDSON,
City Comptroller and
City Clerk.

(Seal) By J. P. FENTON,
Deputy Clerk.

Publication ordered by C. G. ERLANDSON, Comptroller and City Clerk.

Date of Official Publication in the Daily Journal of Commerce, Seattle, February 20, 1971.
(C-254)